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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,986	12/06/2002	Bradley M. Richards	IN-5533	4523

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EXAMINER
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GARRETT, DAWN L

ART UNIT	PAPER NUMBER
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1774

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DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/065,986

Applicant(s)

RICHARDS ET AL.

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because the figure headings are handwritten. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosa et al. (US 5,518,561). Rosa et al. teaches a graphic display (see front page). The EL lamp layer (16) of figure 2 reads upon the instant "color providing film layer" and comprises electroluminescent material (see col. 4, lines 1-14). The translucent film (18) reads upon the instant "mid-coat film layer" formed on the color providing film (see figure 2 and col. 4, lines 19-24). The protective layer (24) depicted in figure 2 reads upon the "at least partially-transparent clearcoat film layer" (see figure 2 and col. 3, lines 61-67). The EL lamp is disclosed as being energized with electric current per instant

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claim 2 (see col. 4, lines 16-19). The EL lamp, translucent film, and protective layer are disposed on adhesive (26) and read upon the decal limitation of claim 3 (see figure 2).

The EL material of the EL lamp (16) is comprised of a composition of luminescent particles and resin (see figure 3) per instant claim 4 (see also col. 4, lines 8-10). Instant claim 5 is considered to be a product by process limitation (see MPEP 2113). The translucent film (18), which reads upon the instant "mid-coat layer" comprises an inked image per the instant claim 6 limitation requiring an opaque pigment for selective masking of the color providing film layer (see figure 2 and col. 4, lines 20-24). Per instant claim 7, the inked images are disclosed as capable of having light pass through the images (see col. 4, lines 35-40).

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 11-059267 (see English abstract for reference). JP 11-0592687 discloses a thin moisture-proof EL light. The fluorescent layer (20) reads upon the color providing layer. The transparent electrode layer (18) reads upon the mid-coat layer. The protection film (16) reads upon the instant clearcoat film. The EL light emitting mark is disclosed as a decal and comprises adhesive (26) for mounting to a member per instant claim 3. The electrodes connect to an electrical source per instant claim 2.

5. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Abe et al. (US 6,441,551). Abe et al. discloses an electroluminescent device and apparatus. In Figure 3, layer (8) is a luminescent layer comprising luminescent particles, which reads upon the instant "color-providing film layer" per instant claim 1 (see fig. 3 and col. 5, lines 12-65). In Figure 3, the transparent conductive layer (2)

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reads upon the instant claim 1 "at least partially-transparent mid-coat film layer" (see figure 3). In Figure 3, the filter layer (9) reads upon the instant claim 1 "at least partially-transparent clearcoat film layer" (see figure 3 and col. 8, lines 13-17). The electroluminescent device is connected to an electric power source per instant claim 2 (see col. 2, lines 1-21). The luminescent layer is formed from a combination of paint and luminescent particles (see col. 5, lines 25-65) per the instant claim 4 requirement that "said color-providing film layer is formed from a color-providing composition applied to said substrate". Claim 5 is considered to be a product-by-process claim (see MPEP 2113).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al. (US 6,441,551). Abe et al. is relied upon for the rejection of claim 1 as set forth above. Abe et al. teaches a luminescent layer (8) (see figure 3) which reads upon the color-providing film of claim 1. Abe et al. fails to teach specifically the luminescent layer comprises further "an at least *partially-transparent pigment* in combination with said electroluminescent phosphor". Abe et al. does teach further kinds of particles in addition to the luminescent particles may be used in the luminescent layer such as particles of glass and coloring materials (see col. 7, lines 57-60). It would have been

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obvious to one of ordinary skill in the art to select transparent glass and further coloring materials including partially transparent pigments to use with the luminescent particles, because Abe et al. teaches such further components may be selected for the luminescent layer.

**Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571) 272-1523. The examiner can normally be reached Monday through Friday. Please allow the examiner twenty-four hours to return your call.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached at (571) 272-1526. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



Dawn Garrett  
Examiner  
Art Unit 1774

D.G.  
January 15, 2004